

CITY OF MENASHA
Common Council
City Hall-140 Main St.-Council Chambers-3rd Floor
September 15, 2008

MINUTES

 + [Back](#)  [Print](#)

1. CALL TO ORDER

Meeting called to order by Mayor Merkes at 7:31p.m.

2. PLEDGE OF ALLEGIANCE

A. [Pledge of Allegiance](#)

3. ROLL CALL/EXCUSED ABSENCES

A. [Roll Call](#)

PRESENT: Ald. Zelinski, Michalkiewicz, Benner, Pamenter, Taylor, Wisneski, Pack, Hendricks.
ALSO PRESENT: Mayor Merkes, CA/HRD Brandt, PC Stanke, DPW Radtke, CDD Keil, C/T Stoffel, PRD Tungate, CES Joe Polzine, Clerk Galeazzi and the Press.
DEPT. HEAD EXCUSED: PHD Nett

4. MINUTES TO APPROVE-MINUTES & COMMUNICATIONS TO RECEIVE

Minutes to approve:

A. [Common Council, 9/2/08](#)

Moved by Alderman Pack, seconded by Alderman Michalkiewicz to approve minutes

Motion Carried on voice vote

Results:

Minutes to receive:

B. [Administration Committee, 9/2/08](#)

C. [Board of Public Works, 9/2/08](#)

D. [Joint Review Board, 8/26/08](#)

E. [Library Board, 8/21/08](#)

F. [Plan Commission, 9/9/08](#)

G. [Protocol Committee, 9/4/08](#)

Communications:

- A. [CA/HRD Brandt, 9/3/08; Temporary Class "B"/"Class B" Retailer's License Applications, Market on Main-Community Forward, Inc.](#)
- B. [Comp Stoffel, 911/08; TIF #8 value increment](#)
- C. [PC Stanke, 9/10/98; Dept. of Justice hosting seminars concerning open meetings and public records law](#)
- D. [Community Development and Public Works, 9/11/08; Draft version of the ordinance relating to the creation of a storm wter utility](#)

Moved by Alderman Wisneski, seconded by Alderman Pack to accept Minutes to Receive B-G and Communications A-D

Discussion: Ald. Michalkiewicz-Comm. D, (Storm Water Utility Ordinance), how will be billed. CDD Keil explained staff is exploring a few different billing options.

Ald. Wisneski-Comm. D, (Storm Water Utility Ordinance), will fee be adjusted for property owners that are environmentally friendly. CDD Keil explained staff is still working out those details.

Motion Carried on voice vote

Results:

5. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY

Five (5) minute time limit for each person

- A. [Public comments on any matter of concern to the City](#)

No one spoke

6. APPOINTMENTS

- A. [Accept resignation of Susan Eckstein from the Library Board](#)

Moved by Alderman Wisneski, seconded by Alderman Pack to accept resignation

Motion Carried on voice vote

Results:

- B. [Mayor's Appointment to the Library Board: 1. Kathy Wicuhowski, 341 Willow Ln., for the term of September 2, 2008 - July 1, 2009](#)

Moved by Alderman Pack, seconded by Alderman Michalkiewicz to approve appointment

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

7. CLAIMS AGAINST THE CITY

- A. [A motion is in order for the Common Council to issue a formal notice of disallowance for the claim of Noel Gonzales and that he be advised of his statutory rights pursuant to Wis. Stats. 893.80](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Pack to - disallow claim

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

B. [A motion is in order for the Common Council to issue a formal notice of disallowance for the claim of Charles Meyers and that he be advised of his statutory rights pursuant to Wis. Stats. 893.80](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Pack to - disallow claim

Discussion. Ald. Taylor will abstain as he was a witness in this claim.

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Wisneski , (7)
Zelinski

ABSTAIN: Taylor (1)

C. [A motion is in order for the Common Council to issue a formal notice of disallowance for the claim of Theresa Weber and that he be advised of his statutory rights pursuant to Wis. Stats. 893.80](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Pack to - disallow claim

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

8. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

A. [Joe Polzien- Code Enforcement Unit report](#)

Joe Polzien, Code Enforcement Specialist, explained his job duties. Code violation complaints can be reported to him by submitting the Code Complaint form available at any City office or on the website; or by e-mail, phone call, or in person. He reported that he is at 87% compliant on code violations complaints. He works close with the Police Dept. He also performs some Community Service Officer duties. He will be taking classes to be licensed as a building inspector to help with inspecting the older buildings that may have code violations. The City of Menasha's Code Enforcement Unit program has been a model for other municipalities.

Mr. Polzien answered questions from Council members.

9. REPORT OF COMMITTEES/BOARDS/COMMISSIONS

A. [Plan Commission:](#)

1. [8/26/08; Recommends approval of the Plan Commission Resolution 02-08, recommending adoption of Project Plan Amendment #3 for TID #4](#)

Acted on in Item 10B.

2. [8/26/08; Recommends approval of the Plan Commission Resolution 03-08, recommending adoption of](#)

Project Plan Amendment #3 for TID #5.

Acted on in Item 10C.

3. 9/9/08; Recommends approval of the CSM on Lake Park Road for George Hansel with the condition that a 10-foot wide easement adjacent to the CTH LP right-of-way be granted to the City of Menasha for a bike/pedestrian path. This decision is based on the findings that 1) The CSM was prepared in conformance with city codes; and 2) Safety issues concerning access are being monitored and controlled by Calumet County; and 3) The property is surrounded by residential use, making the intended use of Single Family Residential appropriate.

Moved by Alderman Benner, seconded by Alderman Michalkiewicz to approve CSM with conditions listed

Motion Carried on voice vote

Results:

B. Administration Committee:

1. Accept 2007 City of Menasha Audit (Dave Maccoux, Schenck)

Moved by Alderman Wisneski, seconded by Alderman Pack to accept 2007 City of Menasha Audit

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

2. Joint Powers Agreement, Winnebago County 911 Emergency System, Dec. 1, 2008 - Nov. 30, 2009, and authorize signatures.

Moved by Alderman Wisneski, seconded by Alderman Pack to approve Joint Powers Agreement

Motion Carried on voice vote

Results:

3. Accounts payable and payroll for 8/29/08 - 9/11/08 in the amount of \$536,171.98

Moved by Alderman Wisneski, seconded by Alderman Pack to approve Accounts Payable and Payroll

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

C. Board of Public Works:

1. Payment - Badger Highways Co., Inc.; New Street Construction/Street Reconstruction; Contract Unit No. 2008-01; \$227,069.04 (Payment No. 3)

Moved by Alderman Pack, seconded by Alderman Wisneski to approve Payment - Badger Highways Co.

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamentner , Taylor , (8)
Wisneski , Zelinski

2. [Payment - Infrastructure Technologies, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project - Phase 3; Contract No. E145-07-01A; Sanitary Manhole Lining; \\$23,493.85 \(Payment No. 6\)](#)

Moved by Alderman Pack, seconded by Alderman Wisneski to approve Payment - Infrastructure Technologies

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamentner , Taylor , (8)
Wisneski , Zelinski

3. [Recommendation to Award - Coenen Mechanical, Inc. of Seymour, WI; Contract M0002-940266-P; Menasha Utilities Water Treatment Plant Modifications - In-Plant Plumbing Modifications; \\$138,500.00](#)

Moved by Alderman Pack, seconded by Alderman Wisneski to approve Recommendation to Award - Coenen Mechanical, Inc.

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamentner , Taylor , (8)
Wisneski , Zelinski

10. ORDINANCES AND RESOLUTIONS

A. [O-20-08 - An Ordinance Relating to Common Council Procedure \(Ald. Hendricks, Wisneski, and Mayor Merkes\)](#)

Moved by Ald. Hendricks, seconded by Ald. Wisneski to suspend the rules and take up O-20-08.
Motion carried on roll call 8-0.

Moved by Ald. Hendricks, seconded by Ald. Wisneski to adopt O-20-08

Moved by Ald. Zelinski, seconded by Ald. Taylor to amend ordinance to removed the word "strictly" from Section 1(d).

Discussion

Motion to amend carried on roll call 5-3.

Ald. Taylor, Wisneski, Hendricks, Zelinski, Benner - yes.

Ald. Pamentner, Pack, Michalkiewicz - no.

A friendly amendment by Ald. Wisneski to change the word "insure" to "ensure" in Section 1(f).

Motion to adopt carried on roll call 7-1. Ald. Pack-no

B. [R-17-08 - Resolution Creating Amendment #3 to the Project Plan for Tax Increment District No. 4 to Provide for the Allocation of Positive Tax Increments from Tax Increment District No. 4 to Tax Increment District No. 7 \(Mayor Merkes\)](#)

Moved by Alderman Wisneski, seconded by Alderman Pamenter to adopt R-17-08

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (7)
Wisneski

NAYS: Zelinski (1)

C. [R-18-08 - Resolution Creating Amendment #3 to the Project Plan for Tax Increment District No. 5 to Provide for the Allocation of Positive Tax Increments from Tax Increment District No. 5 to Tax Increment District No. 7 and No. 8. \(Mayor Merkes\)](#)

Moved by Alderman Pack, seconded by Alderman Pamenter to adopt R-18-08

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (7)
Wisneski

NAYS: Zelinski (1)

D. [R-19-08 Resolution pertaining to the Advisory Referendum on affordable health care](#)

Moved by Alderman Pamenter, seconded by Alderman Wisneski to adopt R-19-08

Motion Carried on voice vote

Results:

11. HELD OVER BUSINESS

A. [None](#)

12. COUNCIL DIRECTIVES

A. [CDD Keil - Update on the 501 2nd St. fence- ordinance compliance \(Ald. Taylor\)](#)

CDD Keil reported a permit was issued to construct a fence at 501 2nd Street. Staff did contact the property owner after it was discovered the fence was not constructed as per the plans submitted. Changes made by the property owner are not compatible with the code requirements. Staff will be contacting the property owner to make the correct changes.

Discussion ensued on what to do to expedite the remove of the fence.

Moved by Ald. Taylor, seconded by Ald. Hendricks to revoke the permit for a fence at 501 2nd Street as it violates vision clearance, is not compatible to adjacent property, and is not community aesthetic.

Motion carried on roll call 7-1. Ald. Pamenter-no.

B. [CDD Keil-Update on 81 & 87 Racine Street and 504 Broad Street \(Ald. Hendricks\)](#)

CDD Keil reported the Public Works crew is working on grading and seeding the parcels. They expect to be completed by the end of the week.

C. [CDD Keil- Report on 205 Milwaukee St. property \(Ald. Wisneski\)](#)

CDD Keil reported the property is the former Doering SuperValu. The City issued a Special Use Permit for the purpose of modifying the building for an ACE Garage facility. The owners have not moved forward with their plan. Staff have not had contact with the owner to find out the reason. The property is currently being market for sale by Bomier Properties.

D. MU GM Young - Update on Winz Park deterioration problems (Ald. Taylor)

MU GM Young reported the Utilities is aware of the problem and have budgeted for repairs in 2009. It is not coming from the inside the reservoir. They are looking at different options on how to repair it.

13. CITIZEN REPRISE (People from the gallery to be heard; only pertaining to matters on the agenda - five (5) minute time limit for each person)

A. Public comments on matters pertaining to the agenda

No one spoke

14. ADJOURNMENT

A. Adjournment

Moved by Alderman Michalkiewicz, seconded by Alderman Wisneski to adjourn at 9:15p.m.

Motion Carried on voice vote

Results:

Respectfully submitted by Deborah A. Galeazzi, City Clerk